

LEARNER GUIDE

Unit 4 – My RSAS Role And The Law



RSAS Training Strategy Project 2018

Remote School Attendance Strategy (RSAS)



A message from
our CEO, Sally
Sinclair.

Dear colleague

Welcome to the NESAs Remote School Attendance Strategy Training Project. We recognise the importance of the role that you are doing and we are committed to supporting you throughout this role with a range of training offerings.

We appreciate the positive impact of your role within your local community and the opportunities you create every day by supporting Aboriginal and Torres Strait Islander students to engage in school. We also understand that your role will be both rewarding and challenging, and we are confident that the training we are offering will assist you further in your role.

NESAs RSAS Training Strategy Project will involve a blended training approach that includes the following:

- Face-to-face forums with each forum running for three days in your local community
- Online training that will offer short courses that you are able to select
- Individual coaching and mentoring throughout your training
- The option to complete accredited units that will count towards a formal qualification

Our team are here to support you and we are available if you have any questions about this programme or the training you are completing. Our office number is (02) 9119 3090 and our email address is rsas@nesa.com.au. We are available Monday – Friday between 9.00-5.00pm (Sydney time) - please feel free to give us a call or pop us a line; we are more than happy to discuss any questions you may have.

We wish you all the best in this important role and we look forward to working with you throughout this project.

Yours sincerely

Sally Sinclair
CEO

My RSAS Role and the Law

Objectives

The aim of the unit is to provide participants with a general understanding of the legal requirements of the Australian education systems for school attendance.

The unit describes the knowledge and skills required to work within a legal and ethical framework that supports duty of care requirements and to consider their own positions in relation to ensuring families and other stakeholders are aware of the mandatory requirements of school attendance.

Learning Outcomes

By the end of this unit, participants will be able to:

- recognise and understand the legal framework for school attendance
- identify strategies to work with community to promote understanding of the legal requirements
- demonstrate how to increase community collaboration
- articulate issues and practices in Indigenous education

Resources

The resources provided are a Learner Guide, Workbook and Trainer Guide.

This Learner Guide provides a resource to support the activities in the Unit 4 Workbook. It is designed to help trainers, RSAS officers and members of the community better understand the legal obligations around school attendance and the role of RSAS workers



This icon represents action when an individual task needs to be completed. You will find instructions on how to complete these tasks in the Unit 4 Workbook



This icon represents action when a task is to be completed as a group. You will find instructions on how to complete these tasks in the Unit 4 Workbook

Part 1: What laws do RSAS workers need to know for their role?

There is a particular focus in Australian law on children and young people because they represent our future. There are penalties for adults who break these laws and RSAS workers need to know about them because their job involves working kids.

You are already aware of some of these laws such as the laws about Working with Children because you had to undergo a WWC check before taking on your role.

In Unit 14, you will learn about the law called Mandatory Reporting because it is an important part of your RSAS role.

And in this unit you will learn about the law regarding school attendance because this is central to your job as a RSAS worker.

The Law Regarding School Attendance

Across Australia, it is compulsory for children to attend school every day that school is open unless they are ill or have special approval not to attend.

Special approval usually means the child has been enrolled in a home schooling program or alternative education, or maybe they are living overseas. There may also be some circumstances such as attending a funeral or special event where the principal of the school will provide approval if the parent, or the auntie or uncle who is looking after them, requests it. In NSW, students require a leave pass when they are not at school on a school day. The police can ask to see this pass.



When must a kid start attending school and when can they leave school?

The rules are slightly different in each state, however in general children must attend school from the time they are 6 years old and cannot leave school until they are 16. In many states students are required to continue their education until their 17th birthday either at school or through some combination of training and work.

It is important RSAS officers know the commencement age and leaving age for their state or territory. You will find this in the table below.

State	Age of Compulsory Commencement	Legal Age to Leave School	Special Circumstances
NSW	6 years	17 years	May leave after Year 10 if they enrol in full-time further education and training (e.g. TAFE, traineeship, apprenticeship); full-time, paid employment of an average of 25 hours per week; or a combination of both of the above.
Qld	6½ years	16 years	May leave after completing Year 10
NT	6 years	17 years	May leave after completing Year 10 but must be in paid employment and/or enrolled in some form of further education e.g. TAFE until turning 17.
SA	6 years	17 years	May leave earlier if they gain a qualification
WA	5½ years	17 years	May leave at 16 if enrolled in another form of education e.g. TAFE or in paid employment.



Activity 1: Discussion

- When must a child start attending school in your state?
- What is the legal leaving age?
- Under what circumstances can a kid leave school earlier than the legal leaving age?

Who is responsible for getting kids to attend school?

The parents or the person caring for a kid has the legal responsibility for ensuring they attend school. This means they have to get their kids to school on time every day that the school is open unless they are ill.

If a kid is ill, their responsibility is to let the school know.

If there is any other reason that a kid is not attending school, they need to meet with the teacher or the principal and see if they can get permission to take them out of school for a short time.

Their job of ensuring their children attend school is called their “duty of care”.



What happens if parents or carers fail in their duty to get kids to attend school?

Keeping kids home from school, or letting them stay home is a serious matter. Mostly parents and carers are encouraged to be strict about their kids attending school and are given support to do this. RSAS workers are one kind of support for parents.

However, if parents and carers are not doing their job, they can be prosecuted which means they are charged with an offence and are asked to attend court.

There are important reasons for this.

One of the main reasons in addressing the issue of absenteeism and truancy is the protection of students from the risk of becoming victims of crime when not being supervised at their school.

Kids Are Safer At School

- Every year, kids die or get hurt while absent from school. Matthew Appleby from Terrigal was 16 when he was murdered on a day that he truanted.
- Truancy is also a major predictor in whether or not a young person becomes involved in criminal activity. A NSW Bureau of Crime Statistics and Research paper on the causes of crime found truancy, the influence of peers, performance at school and poverty are all factors.

Another reason is the disadvantage that kids suffer later in life if they have not completed school. They are far more likely to be permanently unemployed, get into trouble with the police, and to suffer from other kinds of disadvantages or victimisation if they are unable to read and write or look after themselves financially.

Consequently each state has particular penalties they impose on parents or carers if they do not fulfil their obligations. This ensures parents and carers take their obligations seriously. You can see the penalties in each state below.

In addition, if a child is suspected of being “at risk” (for example being abused or being made to work instead of going to school) then this becomes an even more serious matter and must be reported under mandatory reporting guidelines. (You will learn about this in Unit 14.) In a worst case scenario the child may be taken away from their parents or carer and put in the care of a relative or someone else in the community

who is better able to carry out their responsibilities, including ensuring the child attends school.



Happy kids: Franklin Kenny, Valeska Pearson and Levinia Namatjira - 100% school attendance
Source: <http://www.indigenous.gov.au/indulkanas-successful-school-strategy>

Penalties in Each State

New South Wales

In NSW parents or carers may be served with a *Compulsory Schooling Order* which will be overseen by an Aboriginal Liaison Officer. Teenage students can be prosecuted in the children's Court and fines can be up to \$500. Parents can also be fined.

Queensland

Parents or carers can be prosecuted for not ensuring their kids attend school and face a maximum fine of \$660 for a first offence and \$1320 for the second.

South Australia

In South Australia, parents or carers can be fined for not sending kids to school. The maximum penalty for a parent or carer who is found guilty of an offence is \$500.

Western Australia

In Western Australia, the fine for not ensuring a kid attends school is \$1,000.

Northern Territory

Under the Northern Territory's School Attendance and Measure (SEAM) school aged children must be enrolled in school and attend regularly, or a parent or carer's income support payments may stop. Locations that are affected by SEAM are:

- Alice Springs
- Alyangula
- Angurugu
- Galiwin'ku
- Gapuwiyak
- Gunbalanya
- Katherine
- Katherine Town Camps
- Lajamanu
- Maningrida
- Milingimbi
- Milyakburra
- Ngukurr
- Nhulunbuy
- Ntaria (Hermannsburg)
- Numbulwar
- Tennant Creek
- Tiwi Islands
- Umbakumba
- Wadeye
- Wallace Rockhole
- Yirrkala, and
- Yuendumu

What if kids refuse to go to school?

There is a difference between absenteeism, truancy and school refusal.

Absenteeism is where a kid doesn't go to school and the parent or carer knows about it and gives their permission

Students who are absent usually spend their time away from school at home.

Several factors might be responsible for absenteeism. These factors include:

- lack of family support, encouragement or organisation
- family poverty leading to problems with buying food, uniforms and school books or with getting transport to school
- work or family commitments, including care duties in the home
- negative school experiences such as bullying or failure in learning
- the need to catch up on homework or assessment tasks
- illness.



Truancy is when students are absent from school without their parents' or carers' knowledge or permission. It's also called 'wagging' or 'skipping' school. Students who truant tend to hide this from their parents or do it against their parents' wishes.

School refusal is when kids refuse to go to school. They might cry, panic, have tantrums, be aggressive or threaten to hurt themselves. School refusal often happens around the same time as a major change in a kid's life. Some of those major changes might be changing classes, schools, friends, or having problems at school.

This unit is mainly about ensuring parents, carers and the community know the law about absenteeism. However, there will be lots of occasions when the parent or carer wants their kid to go to school but is unable to persuade them to go.

In the case of truancy and school refusal, a RSAS worker's role is to support the parents or carers to undertake their duty of care. Some suggestions are as follows:

Suggestions to help parents and carers deal with truancy and school refusal

- a. Suggest that the parents or carers support and encourage the kid to go to school by showing interest in and support for his/her education.
- b. If the cause is illness, help them by working out ways for a sick kid to keep in touch with school friends and teachers.
- c. You might also help the parents have a talk with the kid :
 - exploring with him why he doesn't want to go to school
 - listening to any fears and concerns about school that he has
 - working with him to find a way to address the problem.
- d. You can also:
 - talk with school staff to find out what assistance they can provide.
 - talk with the parents of the kid's friends to find out if they can offer help and support.

If a kid persistently refuses to go to school, or is found to be truanting, the parent or carer must report this to the school principal as part of their duty of care.



What legal responsibility does a RSAS workers have?

RSAS workers are not legally responsible for a kid's attendance at school. However they do have a "moral and ethical responsibility" as part of their role as a RSAS worker and as part of the community. In simple terms this means they have a duty to do the right thing.

Your job in doing the right thing is to diligently:

- Help parents, aunties, uncles and other carers to understand their responsibilities and the law regarding school attendance
- Support kids to attend school which might include such things as picking them up and walking them to school or driving the bus
- Support teachers and principals in monitoring attendance
- Suggest strategies to the community to encourage better attendance and reduce truancy
- Talk to parents and carers about how to overcome a kid's reluctance to go to school
- Suggest ways of managing family responsibilities to parents and carers so they don't affect attending school

And, though this is a BIG job ...

Make going to school something every kid looks forward to!

Photo



Activity 2: Discussion

- Do you think the parents and carers in your community know the law around school attendance and how to deal with kids who refuse to go to school?
- What do you think they need to know?
- Suggest some ways you can help them understand the law and their responsibilities better.

Part 2: Factors That Present Barriers to Indigenous Students' Education

School attendance for indigenous kids in remote areas is far lower than for non-indigenous students. To be able to help improve the attendance rates, it is a good idea to know some of the reasons for this.

The Creative Spirits website lists a lot of reasons. Many of these things RSAS workers can't do much about. But some of them we can.



Activity 3: Identify the things that we can do.

Look at the following issues around indigenous education and school attendance. Discuss them and decide on two things you can help with. Explain what you might be able to do.

Issues in Indigenous Education

- Many families don't have the money to buy uniforms or school essentials so kids feel ashamed to go to school.
- Because many Aboriginal students' first language is not English, they find it hard being taught in English and don't identify with the stories and materials
- **Many** Aboriginal students live in **houses that are overcrowded** and they cannot do homework or they have nobody at home who can help with homework
- **Aboriginal and Torres Strait Island teachers** are only 0.7% of all teachers in Australia. **Non-indigenous teachers are often not trained to deal with indigenous students and kids feel they are not understood.**
- Because parents cannot afford health services students have poorer health than non-indigenous students. Hearing loss from chronic ear infections is one area that affects learning.
- **Schools in remote communities have fewer resources than elsewhere and are often short-staffed.**
- Fear is a big factor. Native Welfare took Aboriginal children away up until the late 1970s. Aboriginal parents where one parent was white were in constant fear that if they sent their children to school they would never see them again. This fear lingers on in old people.
- Many families have bad memories of their time at school where they didn't learn about their own culture and were not allowed to speak their language, so they are reluctant to send their kids to school.
- There are very few good Aboriginal role models for students in remote communities.
- Aboriginal and Torres Strait Islander kids sometimes live a long way from a school and the only way to get there is to walk.

Source: Extracts from <http://www.creativespirits.info/#axzz4C5jf2J6s>

Part 3: Encouraging Community Collaboration

There are many ways to encourage community collaboration and some of the best ways are those that help overcome some of the negative feelings about school. There are many community and charitable groups willing to help if we reach out and ask for help.

Here are some bright ideas from various communities:

- A roadhouse fun day for all kids who attend school (Bright idea provided by Winun Ngari Aboriginal Corporation)
- Before and after school table tennis championships supported by the school
- Providing “back to school packs” sponsored by local businesses and community groups that provide the basics for school so kids don’t feel left out
- 100% attendance awards at the school assembly (Bright idea provided by Indulkana RSAS)
- Homework help from community members
- Encouraging donation of bikes and helmets to help get kids to school (Bright idea provided by Temora Men’s Shed, Walgett)
- Invite a “star” to speak to the kids. Some well-known indigenous sports and TV stars including Leah Purcell and Mark Ella have already shown their willingness to support the RSAS strategy
- Get the community elders involved to provide leadership
- Select a RSAS mascot that will help provide an identity for the program and bring the kids together. For example the RSAS dog that walks to school with the kids. (Bright idea from Yirrkala)



Activity 4: Brainstorm - What’s your bright idea to involve the community?

Note: Brainstorming is an activity best done fast and furious.

1. Consider the bright ideas suggested above or others suggested by your trainer
2. Take 3 minutes to come up with as many ideas as you can.
Don’t stop and think whether they will work. Just post your ideas up as soon as you think of them.
3. Read all the ideas and take a vote on the best 3 .
4. Discuss how to make these ideas work.
5. Make an action plan.



Time has become a social media star while helping kids in Yirrkala get excited about going to school. Source: <http://www.indigenous.gov.au/news-and-media/stories/time-rsas-dog-becomes-star-while-helping-kids-go-school>



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